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8  
 9 UNITED STATES DISTRICT COURT  
 10 CENTRAL DISTRICT OF CALIFORNIA - SOUTHERN DIVISION

11  
 12 CYBERSitter, LLC, a California limited  
 liability company, d/b/a Solid Oak Software,

13 Plaintiff,

14  
 15 v.

16 The People's Republic of China, a foreign  
 state; Zhengzhou Jinhui Computer System  
 17 Engineering Ltd., a Chinese corporation;  
 Beijing Dazheng Human Language  
 18 Technology Academy Ltd., a Chinese  
 corporation; Sony Corporation, a Japanese  
 19 corporation; Lenovo Group Limited, a  
 Chinese corporation; Toshiba Corporation, a  
 20 Japanese corporation; ACER Incorporated, a  
 Taiwanese corporation; ASUSTeK  
 21 Computer Inc., a Taiwanese corporation;  
 BenQ Corporation, a Taiwanese  
 22 corporation; Haier Group Corporation, a  
 Chinese corporation; DOES 1-10, inclusive,

23 Defendants.  
 24

CASE NO. CV 10-00038 JST (SH)

**REQUEST FOR JUDICIAL NOTICE  
 IN SUPPORT OF PLAINTIFF'S  
 OPPOSITION TO MOTION OF  
 DEFENDANT SONY  
 CORPORATION TO DISMISS THE  
 ACTION ON GROUNDS OF *FORUM  
 NON CONVENIENS***

Judge: Hon. Josephine Staton Tucker  
 Ctrm: 10A

Hearing Date: Nov. 8, 2010  
 Hearing Time: 10:00 a.m.

Discovery Cutoff: None Set  
 Pretrial Conference: None Set  
 Trial Date: None Set

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## REQUEST FOR JUDICIAL NOTICE

Plaintiff CYBERsitter, LLC (“Plaintiff”) respectfully submits this Request for Judicial Notice pursuant to Federal Rule of Evidence 201. Plaintiff requests that the Court take judicial notice of the following facts which are “not subject to reasonable dispute” as they are “capable of accurate and ready determination by sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b)(2).

### Sony Intellectual Property Registrations in the United States

1. Plaintiff requests that the Court take judicial notice of the fact that Defendant Sony Corporation (“Sony”) has over 250 copyright registrations on file in the United States Copyright Office as indicated in the exhibit attached herein and publicly available through the Copyright Office’s website. *Island Software & Computer Serv., Inc. v. Microsoft Corp.*, 413 F.3d 257, 261 (2d Cir. 2005) (District court was entitled to take judicial notice of copyright infringement plaintiff’s federal copyright registrations, as published in Copyright Office’s registry.); *see also Jarvis v. JP Morgan Chase Bank, N.A.*, CV 10-4184-GHK (FMOx), 2010 WL 2927276 (C.D. Cal. July 23, 2010) (“Judicial notice may be taken of documents available on government websites.”). True and correct copies of computer printouts from the Copyright Office’s website showing more than 250 registrations are attached collectively as **Exhibit 1**.

2. Information pertaining to Sony’s U.S. copyright registrations is publicly available at the Copyright Office’s website at <http://www.copyright.gov/records/>. The user should click on the link entitled “Search the Catalog.” The user should then click on the link entitled “Other Search Options.” The user should type “Sony Corporation” in the box next to “Search for.” The user should then click on the box entitled “any of these” and toggle down and select “as a phrase.” The user should then move to the box next to “Search by” and toggle down and select “Name: Claimant (KCLN).” The user should then move to the select the word “NOT.” The

1 user should then type in “Sony Corporation of America” in the second “Search for”  
 2 box. The user should then click on the box entitled “any of these” and toggle down  
 3 and select “as a phrase.” The user should then move to the box next to “Search by”  
 4 and toggle down and select “Name: Claimant (KCLN).” Finally, the user should click  
 5 on the button that reads “Begin Search.” 273 entries will appear. A true and correct  
 6 copy of the “Word and/or Design Mark Search (Structured)” page with the above  
 7 search inserted is attached for the Court’s reference as **Exhibit 2**.

8 3. Plaintiff requests that the Court take judicial notice that Defendant Sony  
 9 Corporation has more than 400 trademark applications and registrations on file with  
 10 the United States Patent and Trademark Office (“USPTO”). True and correct copies  
 11 of computer printouts from the USPTO website showing 415 trademark applications  
 12 and registrations are attached collectively as **Exhibit 3**. *Duluth News-Tribune, a Div.*  
 13 *of Nw. Publications, Inc. v. Mesabi Pub. Co.*, 84 F.3d 1093, 1100 (8th Cir. 1996)  
 14 (taking judicial notice of a party’s recent registration of a trademark); *Total Petroleum*  
 15 *Puerto Rico Corp. v. Torres-Caraballo*, 672 F. Supp. 2d 252, 257 (D.P.R. 2009)  
 16 (judicial notice is appropriate where trademark registrations are readily determinable  
 17 through the use of the USPTO’s website).

18 4. Information pertaining to Sony Corporation’s U.S. trademark  
 19 applications and registrations is publicly available at the USPTO’s website at  
 20 www.uspto.gov. The user should move down to area labeled “Trademarks” and click  
 21 on the link “Search Marks.” The user should then click on the link “Word and/or  
 22 Design Mark Search (Structured).” The user should then type in the term “Sony  
 23 Corporation” (with quotation marks) in the first box labeled next to “Search Term.”  
 24 The user should then click on the box next to the term “Field” and toggle down and  
 25 select “Owner Name.” The user should then move to the box next to the term  
 26 “Operator” and toggle down and select “AND.” The user should then move to the  
 27 second “Search Term” box and type in “1-7-1” (including the quotation marks). The  
 28 user should then move to the second “Field” and toggle down and select “Owner

1 Name and Address.” The user should then click on the button labeled “Submit  
2 Query.” 415 trademark applications and registrations will appear. A true and correct  
3 copy of the “Word and/or Design Mark Search (Structured)” page with the above  
4 search inserted is attached for the Court’s reference as **Exhibit 4**.

5 5. Plaintiff requests that the Court take judicial notice of Sony’s U.S.  
6 trademark registration no. 885,111 filed on August 9, 1968 and registered on January  
7 27, 1970. In particular, Plaintiff requests that the Court take judicial notice that  
8 Defendant Sony has used the SONY mark in United States commerce in the since at  
9 least July 20, 1967 – the date of first use in United States commerce indicated on  
10 Sony’s trademark registration 885,111. A true and correct copy of the Registration  
11 Certificate available at the USPTO’s website is attached as **Exhibit 5**. *Duluth News-*  
12 *Tribune*, 84 F.3d 1093; *Total Petroleum Puerto Rico Corp. v. Torres-Caraballo*, 672  
13 F. Supp. 2d 252.

14 6. Plaintiff requests that the Court take judicial notice of Sony’s U.S.  
15 trademark registration no. 1,622,127 for, among other things, computers, filed on  
16 November 13, 1990 and registered on November 13, 1990. In particular, Plaintiff  
17 requests that the Court take judicial notice that Defendant Sony has used the SONY  
18 mark for computers in United States commerce since at least December 15, 1969 – the  
19 date of first use in United States commerce indicated on Sony’s trademark registration  
20 no. 1,622,127. A true and correct copy of the Registration Certificate is available at  
21 the USPTO’s website is attached as **Exhibit 6**. *Id.*

22 7. Plaintiff requests that the Court take judicial notice of Sony’s Combined  
23 Declaration of Use and/or Excusable Nonuse/Application for Renewal of Registration  
24 of a Mark under Sections 8 & 9 (“Sony’s Combined Declaration of Use”) for  
25 registration no. 1,622,127. A true and correct copy of the Sony’s Combined  
26 Declaration of Use available at the USPTO’s website is attached as **Exhibit 7**. *Id.*

27 8. Plaintiff requests that the Court take judicial notice of the fact that Sony  
28 Corporation has more than 25,000 patent applications and registrations on file in the



1 United States Patent and Trademark Office as indicated by the attached exhibit herein.  
 2 True and correct copies of computer printouts from the USPTO's website showing  
 3 28,433 hits for applicant Sony Corporation are attached collectively as **Exhibit 8**. In  
 4 the interests of economy, Plaintiff is only attaching the first 50 hits and the last 33 hits  
 5 in the printouts available from the USPTO website, which show 28,433 patent  
 6 applications and/or registrations. *Feathercombs, Inc. v. Solo Products Corp.*, 306  
 7 F.2d 251, 251 at FN1 (2<sup>nd</sup> Cir. 1962) (United States patents may be judicially noticed  
 8 in discretion of court) (*cert. denied* 83 S.Ct. 253).

9 9. Information pertaining to Sony's U.S. patent applications and  
 10 registrations is publicly available at the USPTO website at www.uspto.gov. The user  
 11 should move down to the area labeled "Patents" and click on the link labeled  
 12 "Search." The user should then click on the link labeled "Quick Search." The user  
 13 should type "Sony Corporation" into the box next to "Term 1." The user should then  
 14 click on the box next to "Field 1" and toggle down and select "Assignee Name." The  
 15 user should then type "JP" into the box next to "Term 2" and toggle down and select  
 16 "Assignee Country" in the box next to "Field 2." The user should then click on the  
 17 button entitled "Search." A true and correct copy of the computer printout for the  
 18 "Quick Search" following the above instructions is attached for the Court's reference  
 19 as **Exhibit 9**.

#### 20 **Acer IP Registrations in the United States**

21 10. Plaintiff requests that the Court take judicial notice of the fact that Acer,  
 22 Inc. has more than two dozen copyright registrations on file in the United States  
 23 Copyright Office and publicly available through the Copyright Office's website.  
 24 *Island Software & Computer Serv., Inc. v. Microsoft Corp.*, 413 F.3d 257, 261; *Jarvis*  
 25 *v. JP Morgan Chase Bank, N.A.*, 2010 WL 2927276. True and correct copies of  
 26 computer printouts from the Copyright Office's website showing 27 registrations are  
 27 attached collectively as **Exhibit 10**.  
 28



1           11. Information pertaining to Acer's U.S. copyright applications and  
2 registrations is publicly available at the Copyright Office's website at  
3 <http://www.copyright.gov/records/>. The user should click on the link entitled "Search  
4 the Catalog." The user should type "Acer, Inc." in the box next to "Search for." The  
5 user should then click on the button that reads "Begin Search." The user will  
6 be brought to another web page showing 27 registrations for Acer. A true and correct  
7 copy of the "Basic" page with the above search inserted is attached for the Court's  
8 reference as **Exhibit 11**.

9           12. Plaintiff requests that the Court take judicial notice that Acer has more  
10 than 70 trademark applications and registrations on file with the United States Patent  
11 and Trademark Office ("USPTO") as indicated in the attached exhibit. A true and  
12 correct copy of computer printouts from the USPTO website showing 78 trademark  
13 applications and registrations is attached as **Exhibit 12**. *Duluth News-Tribune, a Div.*  
14 *of Nw. Publications, Inc. v. Mesabi Pub. Co.*, 84 F.3d 1093, 1100; *Total Petroleum*  
15 *Puerto Rico Corp. v. Torres-Caraballo*, 672 F. Supp. 2d 252.

16           13. Information pertaining to Acer's U.S. trademark applications and  
17 registrations is publicly available at the USPTO's website at [www.uspto.gov](http://www.uspto.gov). The  
18 user should move down to area labeled "Trademarks" and click on the link "Search  
19 Marks." The user should then click on the link "Word and/or Design Mark Search  
20 (Structured)." The user should then type in the term "Acer Incorporated" (with  
21 quotation marks) in the first box labeled next to "Search Term." The user should then  
22 click on the box next to the term "Field" and toggle down and select "Owner Name."  
23 The user should then move to the box next to the term "Operator" and toggle down  
24 and select "AND." The user should then move to the second "Search Term" box and  
25 type in "Taiwan". The user should then move to the second "Field" and toggle down  
26 and select "Owner Name and Address." The user should then click on the button  
27 labeled "Submit Query." A true and correct copy of the "Word and/or Design Mark  
28

1 Search (Structured)” page with the above search inserted is attached for the Court’s  
2 reference as **Exhibit 13**.

3 14. Plaintiff requests that the Court take judicial notice of Acer trademark  
4 registration no. 1,475,746 for “personal and business computers” among other items,  
5 filed on May 19, 1987 and registered on February 9, 1988. In particular, Plaintiff  
6 requests that the Court take judicial notice that Defendant Acer has used the ACER  
7 mark for computers in United States commerce since at least February 18, 1987 – the  
8 date of first use in United States commerce indicated on Acer’s trademark registration  
9 no. 1,475,746. This registration is publicly available on the USPTO website at:  
10 [http://tmportal.uspto.gov/external/PA\\_TOWUserInterface/OpenServletWindow?serial](http://tmportal.uspto.gov/external/PA_TOWUserInterface/OpenServletWindow?serialNumber=73661739&scanDate=2005121484132&DocDesc=Registration+Certificate&docType=ORC&currentPage=1&rowNum=9&rowCount=10&formattedDate=09-Feb-1988)  
11 [Number=73661739&scanDate=2005121484132&DocDesc=Registration+Certificate](http://tmportal.uspto.gov/external/PA_TOWUserInterface/OpenServletWindow?serialNumber=73661739&scanDate=2005121484132&DocDesc=Registration+Certificate&docType=ORC&currentPage=1&rowNum=9&rowCount=10&formattedDate=09-Feb-1988)  
12 [&docType=ORC&currentPage=1&rowNum=9&rowCount=10&formattedDate=09-](http://tmportal.uspto.gov/external/PA_TOWUserInterface/OpenServletWindow?serialNumber=73661739&scanDate=2005121484132&DocDesc=Registration+Certificate&docType=ORC&currentPage=1&rowNum=9&rowCount=10&formattedDate=09-Feb-1988)  
13 [Feb-1988](http://tmportal.uspto.gov/external/PA_TOWUserInterface/OpenServletWindow?serialNumber=73661739&scanDate=2005121484132&DocDesc=Registration+Certificate&docType=ORC&currentPage=1&rowNum=9&rowCount=10&formattedDate=09-Feb-1988). A true and correct copy of the Registration Certificate available at the  
14 USPTO’s website is attached as **Exhibit 14**. *Duluth News-Tribune*, 84 F.3d 1093;  
15 *Total Petroleum Puerto Rico Corp. v. Torres-Caraballo*, 672 F. Supp. 2d 252.

16 15. Plaintiff specifically requests that the Court take judicial notice of the  
17 facts stated in Acer’s Combined Declaration of Use In Commerce & Application For  
18 Renewal of Registration of A Mark Under Sections 8 & 9 (“Acer’s Combined  
19 Declaration of Use”) with respect to registration no. 1,475,746. A true and correct  
20 copy of Acer’s Combined Declarations of Use available at the USPTO’s website is  
21 attached as **Exhibit 15**. *Id.*

22 16. Plaintiff requests that the Court take judicial notice of Acer’s 250 patent  
23 applications and registrations on file in the United States Patent and Trademark Office  
24 as indicated in the attached exhibit. True and correct copies of computer printouts  
25 from the USPTO’s website showing 250 hits for Assignee “Acer Incorporated” are  
26 attached collectively as **Exhibit 16**. *Feathercombs, Inc. v. Solo Products Corp.*, 306  
27 F.2d 251, 251 at FN1.  
28

17. Information pertaining to Acer's U.S. patent applications and registrations is publicly available at the USPTO website at [www.uspto.gov](http://www.uspto.gov). The user should move down to the area labeled "Patents" and click on the link labeled "Search." The user should then click on the link labeled "Quick Search." The user should type "Acer Incorporated" into the box next to "Term 1." The user should then click on the box next to "Field 1" and toggle down and select "Assignee Name." The user should then type "TW" into the box next to "Term 2" and toggle down and select "Assignee Country" in the box next to "Field 2." The user should then click on the button entitled "Search." A true and correct copy of the computer printout for the "Quick Search" following the above instructions is attached for the Court's reference as **Exhibit 17**.

#### **ASUSTek IP Registrations in the United States**

18. Plaintiff requests that the Court take judicial notice of the fact that ASUSTek has more more than 75 trademark applications and registrations on file with the United States Patent and Trademark Office ("USPTO") as indicated in the attached exhibit. A true and correct copy of computer printouts from the USPTO website showing 83 trademark applications and registrations is attached as **Exhibit 18**. *Duluth News-Tribune, a Div. of Nw. Publications, Inc. v. Mesabi Pub. Co.*, 84 F.3d 1093, 1100; *Total Petroleum Puerto Rico Corp. v. Torres-Caraballo*, 672 F. Supp. 2d 252.

19. Information pertaining to ASUSTek's U.S. trademark applications and registrations is publicly available at the USPTO's website at [www.uspto.gov](http://www.uspto.gov). The user should move down to area labeled "Trademarks" and click on the link "Search Marks." The user should then click on the link "Word and/or Design Mark Search (Structured)." The user should then type in the term "Asustek Computer" (with quotation marks) in the first box labeled next to "Search Term." The user should then click on the box next to the term "Field" and toggle down and select "Owner Name." The user should then move to the box next to the term "Operator" and toggle down

1 and select “AND.” The user should then move to the second “Search Term” box and  
 2 type in “Taiwan”. The user should then move to the second “Field” and toggle down  
 3 and select “Owner Name and Address.” The user should then click on the button  
 4 labeled “Submit Query.” A true and correct copy of the “Word and/or Design Mark  
 5 Search (Structured)” page with the above search inserted is attached for the Court’s  
 6 reference as **Exhibit 19**.

7 20. Plaintiff requests that the Court take judicial notice of ASUSTek’s  
 8 trademark registration no. 2,376,858 for “personal computers” among other items,  
 9 filed on January 1, 1999 and registered on August 15, 2000. In particular, Plaintiff  
 10 requests that the Court take judicial notice that Defendant ASUSTek has used the  
 11 ASUS mark for computers in United States commerce since at least January 21, 1993  
 12 – the date of first use in United States commerce indicated on Acer’s trademark  
 13 registration no. 2,376,858. A true and correct copy of the Registration Certificate  
 14 available at the USPTO’s website is attached as **Exhibit 20**. *Duluth News-Tribune*, 84  
 15 F.3d 1093; *Total Petroleum Puerto Rico Corp. v. Torres-Caraballo*, 672 F. Supp. 2d  
 16 252.

17 21. Plaintiff specifically requests that the Court take judicial notice of  
 18 ASUSTek’s Combined Declaration of Use and/or Excusable Nonuse/Application for  
 19 Renewal of Reguistration of a Mark Under Sections 8 & 9 (“ASUSTek’s Combined  
 20 Declaration of Use”) with respect to registration no. 2,376,858. A true and correct  
 21 copy of ASUSTek’s Combined Declaration of Use, which is publicly available at the  
 22 USPTO’s website, is attached as **Exhibit 21**. *Id.*

23 22. Plaintiff requests that the Court take judicial notice of the fact that  
 24 ASUSTek has over 250 patent applications and registrations on file in the United  
 25 States Patent and Trademark Office as indicated in the attached exhibit. A true and  
 26 correct copy of computer printouts from the USPTO’s website showing 300 hits for  
 27 Assignee “ASUSTek Computer” is attached as **Exhibit 22**. *Feathercombs, Inc. v.*  
 28 *Solo Products Corp.*, 306 F.2d 251, 251 at FN1.

23. Information pertaining to ASUSTeK's U.S. patent applications and registrations is publicly available at the USPTO website at [www.uspto.gov](http://www.uspto.gov). The user should move down to the area labeled "Patents" and click on the link labeled "Search." The user should then click on the link labeled "Quick Search." The user should type "ASUSTEK COMPUTER" into the box next to "Term 1." The user should then click on the box next to "Field 1" and toggle down and select "Assignee Name." The user should then type "TW" into the box next to "Term 2" and toggle down and select "Assignee Country" in the box next to "Field 2." The user should then click on the button entitled "Search." A true and correct copy of the computer printout for the "Quick Search" following the above instructions is attached for the Court's reference as **Exhibit 23**.

#### **BenQ IP Registrations in the United States**

24. Plaintiff requests that the Court take judicial notice of BenQ's five trademark applications and registrations on file with the United States Patent and Trademark Office ("USPTO") as indicated in the attached exhibit. A true and correct copy of computer printouts from the USPTO website showing five trademark applications and registrations is attached as **Exhibit 24**. *Duluth News-Tribune, a Div. of Nw. Publications, Inc. v. Mesabi Pub. Co.*, 84 F.3d 1093, 1100; *Total Petroleum Puerto Rico Corp. v. Torres-Caraballo*, 672 F. Supp. 2d 252.

25. Information pertaining to BenQ's U.S. trademark applications and registrations is publicly available at the USPTO's website at [www.uspto.gov](http://www.uspto.gov). The user should move down to area labeled "Trademarks" and click on the link "Search Marks." The user should then click on the link "Word and/or Design Mark Search (Structured)." The user should then type in the term "BenQ Corporation" (with quotation marks) in the first box labeled next to "Search Term." The user should then click on the box next to the term "Field" and toggle down and select "Owner Name." The user should then move to the box next to the term "Operator" and toggle down and select "AND." The user should then move to the second "Search Term" box and

1 type in “Taiwan”. The user should then move to the second “Field” and toggle down  
 2 and select “Owner Name and Address.” The user should then click on the button  
 3 labeled “Submit Query.” A true and correct copy of the “Word and/or Design Mark  
 4 Search (Structured)” page with the above search inserted is attached for the Court’s  
 5 reference as **Exhibit 25**.

6 26. Plaintiff requests that the Court take judicial notice of BenQ’s trademark  
 7 registration no. 2,906,921, filed on December 12, 2001 and registered on November  
 8 30, 2004, in international class 9 for “computers” among other items. In particular,  
 9 Plaintiff requests that the Court take judicial notice that Defendant BenQ has used the  
 10 BENQ mark for computers in United States commerce since at least January 15, 2002  
 11 – the date of first use in United States commerce indicated on BenQ’s trademark  
 12 registration no. 2,906,921. A true and correct copy of the Registration Certificate  
 13 available at the USPTO’s website is attached as **Exhibit 26**. *Duluth News-Tribune*, 84  
 14 F.3d 1093; *Total Petroleum Puerto Rico Corp. v. Torres-Caraballo*, 672 F. Supp. 2d  
 15 252.

16 27. Plaintiff requests that the Court take judicial notice of BenQ’s Combined  
 17 Declaration of Use and Incontestability under Sections 8 & 15 (“BenQ’s Combined  
 18 Declaration of Use”) with respect to registration no. 2,906,921. A true and correct  
 19 copy of the Combined Declaration of Use and Incontestability under Sections 8 & 15  
 20 publicly available at the USPTO’s website is attached as **Exhibit 27**. *Id.*

21 28. Plaintiff requests that the Court take judicial notice of the fact that BenQ  
 22 has more than 600 patent applications and registrations on file in the United States  
 23 Patent and Trademark Office as indicated in the attached exhibit. True and correct  
 24 copies of computer printouts from the USPTO’s website showing 639 hits for  
 25 Assignee “BenQ Corporation” are attached collectively as **Exhibit 28**. *Feathercombs,*  
 26 *Inc. v. Solo Products Corp.*, 306 F.2d 251, 251 at FN1.

27 29. Information pertaining to BenQ’s U.S. patent applications and  
 28 registrations is publicly available at the USPTO website at [www.uspto.gov](http://www.uspto.gov). The user



1 should move down to the area labeled “Patents” and click on the link labeled  
 2 “Search.” The user should then click on the link labeled “Quick Search.” The user  
 3 should type “BenQ Corporation” (with quotation marks) into the box next to “Term  
 4 1.” The user should then click on the box next to “Field 1” and toggle down and  
 5 select “Assignee Name.” The user should then type “TW” into the box next to “Term  
 6 2” and toggle down and select “Assignee Country” in the box next to “Field 2.” The  
 7 user should then click on the button entitled “Search.” A true and correct copy of the  
 8 computer printout for the “Quick Search” following the above instructions is attached  
 9 for the Court’s reference as **Exhibit 29**.

### 10 Office of U.S. Trade Representative Records

11 30. Plaintiff requests that the Court take judicial notice of the 2009 Special  
 12 301 Report created by the Office of the United States Trade Representative (the  
 13 “USTR”) pursuant to Section 182 of the Trade Act of 1974, as amended by the  
 14 Omnibus Trade and Competitiveness Act of 1988 and the Uruguay Round  
 15 Agreements Act (enacted in 1994), a true and correct copy of which is attached as  
 16 **Exhibit 30**. *See Mack v. South Bay Beer Distributors*, 798 F.2d 1279, 1282 (9th Cir.  
 17 1986) (courts may take judicial notice of “matters of public record”); *Jarvis v. JP*  
 18 *Morgan Chase Bank, N.A.*, CV 10-4184-GHK; *Asg Indus., Inc. v. U. S.*, 82 Cust. Ct.  
 19 1, 11 (Cust. Ct. 1979) (“It is a well established principle of law which needs no  
 20 citation that courts may take judicial notice of official publication.”) (rev’d, on other  
 21 grounds). This report is publicly available at the USTR’s website at:  
 22 <http://www.ustr.gov/sites/default/files/Full%20Version%20of%20the%202009%20SP>  
 23 [ECIAL%20301%20REPORT.pdf](http://www.ustr.gov/sites/default/files/Full%20Version%20of%20the%202009%20SP).

24 31. Plaintiff requests that the Court take judicial of the 2010 Special 301  
 25 Report created by the Office of the United States Trade Representative (the “USTR”)  
 26 pursuant to Section 182 of the Trade Act of 1974, as amended by the Omnibus Trade  
 27 and Competitiveness Act of 1988 and the Uruguay Round Agreements Act (enacted in  
 28 1994), a true and correct copy of which is attached as **Exhibit 31**. *See Mack v. South*



1 *Bay Beer Distributors*, 798 F.2d 1279, 1282; *Jarvis v. JP Morgan Chase Bank, N.A.*,  
 2 CV 10-4184-GHK; *Asg Indus., Inc. v. U. S.*, 82 Cust. Ct. 1, 11. This report is publicly  
 3 available at the USTR's website at: [http://www.ustr.gov/webfm\\_send/1906](http://www.ustr.gov/webfm_send/1906).

#### 4 Newspaper Articles

5 32. Plaintiff requests that the Court take judicial notice of the *New York*  
 6 *Times* article written by Andrew Jacobs and Jonathan Ansfield published on October  
 7 8, 2010, "Nobel Peace Prize Given to Jailed Chinese Dissident," a true and correct  
 8 copy of which is attached as **Exhibit 32**. *Crowder v. Kitagawa*, 81 F.3d 1480, 1491  
 9 FN 10 (9<sup>th</sup> Cir. 1996) (courts may take notice of adjudicative facts appearing in  
 10 newspapers). This article is publicly available at the New York Times website at:  
 11 [http://www.nytimes.com/2010/10/09/world/09nobel.html?\\_r=1](http://www.nytimes.com/2010/10/09/world/09nobel.html?_r=1).

#### 12 Sony Corporation Facts

13 33. Plaintiff requests that the Court take judicial notice that Sony Corporation  
 14 of America is the U.S. subsidiary of Sony and that Sony's subsidiaries and affiliates  
 15 have offices located in southern California. Attached as **Exhibit 33** are true and  
 16 correct copies of computer printouts from the publicly available website of Sony  
 17 Corporation of America. This information is available at:

- 18 • <http://www.sony.com/SCA/corporate.shtml>; and
- 19 • <http://www.sony.com/SCA/outline/pictures.shtml>.

20  
 21 DATED: October 11, 2011

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22  
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